Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

CC Docket No.: 01-277

In re:	)	
Application of BellSouth Corporation	)	**AFFIDAVIT OF KRISTEN**
Pursuant to Section 271 of the Telecommunications	)	**HUDSON ON BEHALF OF**
Act of 1996 to Provide In-Region, InterLATA	)	**XO COMMUNICATIONS**
Services in Georgia and Louisiana	)	

Kristen Hudson, being first duly sworn, deposes and says:

1. I am a Senior Manager for XO Communications, Inc. ("XO"). My business address is 105 Molloy Street, Suite 300, Nashville, TN 37201.

2. I have five and a half years of experience with XO in the telecommunications industry. At XO I have managed both the Provisioning Support Group, and the Operations Support Group. I am currently a Senior Manager in the Service Delivery organization.

3. My affidavit addresses Checklist Items 2, 4, 8 and 11. With respect to Checklist Item 2, my affidavit demonstrates that BellSouth's performance data is inaccurate and unreliable, BellSouth's operations support systems ("OSS") are unstable, and that BellSouth does not provide access to loop-port combinations. My affidavit sets forth XO's concerns regarding BellSouth's ability to provision unbundled local loops to XO (Checklist Item 4). Further, I explain how BellSouth fails to provide comparable access to directory listings (Checklist Item 8) and fails to meet its obligation to provide local number portability (Checklist Item 11).

Access to Unbundled Network Elements (Checklist Item 2)

A. BellSouth's Performance Data Is Inaccurate and Unreliable

4. BellSouth's performance data reported on its PMAP website is inaccurate and unreliable.

5. XO submits local service requests ("LSRs") to BellSouth via the Electronic Data Interchange ("EDI") interface. XO's electronic systems record the number of LSRs submitted by XO to BellSouth and the number of responses received from BellSouth, including, firm order confirmations ("FOCs"). In May 2001, for example, XO received [redacted] FOCs for local number portability ("LNP") orders and for unbundled loops orders requiring LNP.

6. BellSouth reports data on FOC timeliness for LNP orders in its report O-15 "LNP Firm Order Timelines Interval Distribution and Firm Order Confirmation Average Interval." The BellSouth raw data file for this report is contained in the "Ordering: FOC Timeliness (LNP)" file accessible via the PMAP website. BellSouth's file, however, reflects [redacted] LNP FOCs for May 2001 - [redacted] fewer LNP FOCs than XO had actually received in May.

7. Another indication that BellSouth's performance data is unreliable is illustrated by the Parity Analysis and Remedy Information ("PARIS") data for XO. For performance in the month of April 2001, the PMAP website indicated that XO was s to receive a $[redacted] payment. In June, however, XO received a BellSouth check for $[redacted] for the April PARIS payment. Upon XO's inquiry regarding this huge difference, BellSouth could not explain the discrepancy other than to say that it was related to the LNP – Average Disconnect metric.

8. This enormous discrepancy in the BellSouth data strongly suggests that the XO data reported on the PMAP website for April severely overstates BellSouth's performance.

9. I attempted to perform a similar analysis of the PMAP data reported by BellSouth for June through August, but experienced problems accessing sufficient raw data from BellSouth's web reporting to establish any meaningful basis for comparison. Members of XO's regulatory staff contacted BellSouth to request that the data be placed in File Transfer Protocol, a common standard protocol for the exchange of large electronic files, to facilitate access to the

data. BellSouth denied this request Currently, the process of downloading or printing the posted information before BellSouth removes it monthly from the website is too difficult to manage without incurring substantial costs for personnel dedicated solely to that function.

B. BellSouth's OSS Systems Are Unstable And Unreliable

10. XO uses BellSouth's electronic Local Exchange Navigation System ("LENS") interface for preordering functions such as verifying a customer's address. XO also uses LENS to order resold BellSouth services. Most XO end user customers receive service using a combination of XO's facilities and unbundled local loops and other UNEs purchased directly from BellSouth. XO uses the EDI interface to order those loop types for which the BellSouth system supports electronic ordering.

11. XO's experience in the marketplace is that BellSouth's LENS and EDI interfaces are frequently partially or totally out of service ("outages"). For example, during the months of July, August, and September, BellSouth reported a total of 43 LENS outages. Similarly, in the months of April, May and June, BellSouth reported a total of 28 EDI outages.[1] Even as of this date, XO continues to have problems with BellSouth outages on both systems. Attached to my affidavit as **Exhibit KH-1** is a spreadsheet listing all of these outages, including the outage number assigned by BellSouth. These outages are first reported to XO by e-mail. The outages are also ultimately posted to BellSouth's interconnection website. BellSouth reports the time the outage was reported, the date it was verified and the date the outage was resolved. Unfortunately, all three reporting categories are not always included on the website posting. In some cases the times included on the e-mail received from BellSouth will differ from the time posted on the website.

[1] For the EDI outages, I reviewed data for April, May and June. The data BellSouth provided for more current months was incomplete.

12. Over a three month period, LENS service outages averaged an hour and thirteen minutes and ranged from approximately 22 minutes to nearly **4 hours**. EDI outages averaged nearly two hours (100 minutes) and ranged from a low of 16 minutes to a high of **over two days**. These statistics are based on the outages for which BellSouth reported a resolution time.

13. These outages severely limit XO's ability to access BellSouth's UNEs. For instance, when LENS is down, XO cannot:

- Verify customer addresses,
- Pull customer service records,
- Submit directory listing changes electronically,
- Order resold services, or
- Make feature changes for customers using resold BellSouth services.

As a result, XO's orders are delayed until the outage is resolved, and the dates by which XO is able to commit to service delivery are pushed out.

14. When an EDI outage occurs, XO cannot order unbundled local loops -- the predominant ILEC facility used to serve XO end user customers. Delays resulting from outages of this BellSouth back office system result in XO's inability to meet the customer's requested delivery date for service. During an outage, XO may still meet the due date, but that requires XO to expedite the order with BellSouth. BellSouth, however, imposes an additional charge for expedited orders. As a result, XO has to pay more for a UNE because of a BellSouth system failure. In some cases, BellSouth will refuse to expedite an order.

15. The instability and unreliability of BellSouth's OSS impede XO's access to UNE's and, thereby, XO's ability to compete with BellSouth.

C. BellSouth Does Not Work Cooperatively in Testing Interface Versions

16. When BellSouth implements a new OSS interface version, it is essential that they work with CLECs to test the interface to ensure fields are mapped and accepted correctly in BellSouth's systems. By so doing, they can avoid order delays and clarifications for all types of order scenarios.

17. However, BellSouth refuses to do so. BellSouth selects the scenarios they are willing to test regardless of the concerns raised by the CLECs that must use those interfaces.

18. For example, XO recently upgraded from EDI version TCIF7 to EDI version TCIF9. XO requested testing scenarios from BellSouth for DS1 and DSL loops. BellSouth denied both of these requests. To date, XO is unable to order DS1 loops correctly from BellSouth via EDI. These provisioning issues could have been avoided if BellSouth had included XO in the initial testing process.

19. Further, since BellSouth selects what data to use in the testing scenarios, some CLEC specific fields are not accounted for. Consequently even after conversion to the new interface, some XO orders are rejected by BellSouth because we were not able to include our own data fields. An example of this is the CKR field, which is the Customer Circuit Reference, assigned by the customer, not BellSouth.

20. Another problem we have experienced when testing interfaces with BellSouth is the poor documentation provided on BellSouth's website. To illustrate the problems with documentation, BellSouth posts all defect notifications through their change control process to the interconnection website. Out of **34** defect notifications posted for July through October 2001, **21** specifically relate to improper BellSouth documentation. An inadequate documentation process is thus responsible for approximately **62 percent** of the reported defects.

21. Finally, BellSouth is unwilling to agree to work "in good faith" with XO to implement new interface versions. In an arbitration currently pending with BellSouth in Georgia, XO proposed the following language for incorporation into the agreement: "BellSouth shall provide reasonable notice of any such new release and freeze date, and shall act in good faith to grant any reasonable request of XO to support prior industry standard version of the interface pending appropriate testing of the current industry standard interface."[2] BellSouth has refused to include this language, and is actively opposing it in the arbitration.

22. As a result of the documentation problems and inability to use XO data and requested scenarios for testing, testing new interface versions with BellSouth has proven difficult. Delays and supplemental orders caused by lack of cooperative testing have directly impacted our end users.

D. BellSouth Does Not Provide Nondiscriminatory Access to Combinations

23. The Georgia Public Service Commission required BellSouth to provide new combinations of loop and transport, or "Enhanced Extended Links" (EELs), throughout the state of Georgia. BellSouth, however, has gone to great lengths to prevent CLECs from accessing the EELs in a timely manner.

24. An EEL and the comparable special access circuit are virtually identical. This facility just has a different name and price depending on how it is ordered. In fact, where CLECs order special access circuits to provision local service and wish to convert those access circuits to UNE circuits, BellSouth's process for converting those circuits to the associated UNE EEL pricing involves no physical change to the circuit.

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[2] Issue No. 10. *Petition of XO Georgia, Inc. for Arbitration with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996*, Georgia Public Service Commission, Docket No. 14360-U.

25. BellSouth, however, has created arbitrary distinctions between the two, making access to the UNE EEL more difficult and time consuming. For example, the standard provisioning interval for EELs is five times that of the same access circuit (twenty to twenty-five days versus five to eight days). Even the maintenance and repair functions for EELs are different than for the same special access circuit.

26. These artificial delays and differences affect XO's ability to timely install and service its customers; thus, XO must resort to ordering BellSouth circuits from the Special Access tariff, rather than ordering the circuits as UNEs.

27. BellSouth has also unreasonably delayed the conversion of existing special access circuits to UNE EELs. First, when XO requested conversion to EELs, BellSouth required protracted negotiations for an EELs amendment to our interconnection agreement before allowing access to EELs. Once the amendment was executed and XO had resubmitted its request, BellSouth delayed the requested circuit conversion for more than **eight (8) months**. Finally, BellSouth only informed XO that the conversions had been processed after XO confronted BellSouth with its own representations to the FCC that no backlog for EEL conversions existed. More than two years after the initial request for conversion, BellSouth still has not processed the appropriate billing credits for the conversions.

28. Moreover, when BellSouth confirmed the much delayed conversion of a limited number of special access circuits to EELs, BellSouth informed XO that it planned to apply a charge known as a "leaky PBX" charge to all access circuits chosen for conversion, retroactive to the initial date of installation of the access circuit in question.

29. A "leaky PBX" charge is a tariff charge imposed by BellSouth on an end user access circuit where the end user has used that access circuit to avoid long distance access

charges. Such an end-user charge imposed on BellSouth's own end users to protect BellSouth from loss of access revenue is clearly inapplicable in this instance, where any traffic on the circuit is XO traffic, and BellSouth would not be entitled to access usage charges. Moreover, such a retroactive charge would present a substantial deterrent to any CLEC wishing to convert special access circuits to UNE pricing.

30. When challenged by XO, BellSouth orally represented that it would not pursue such charges against XO. BellSouth refused, however, to put any of its representations regarding the "leaky PBX" charge in writing.

Access to Loops (Checklist Item 4)

BellSouth Does Not Provide Nondiscriminatory Access to Loops

31. XO purchases unbundled local loops from BellSouth. These loops are used in combination with XO's own facilities to provide service to XO's customers. XO experiences a high rate of troubles on loops purchased from BellSouth. After BellSouth provisions loops to CLECs, BellSouth does not maintain and repair such loops at the same level of quality as it maintains its own facilities.

32. BellSouth's self-reported data bears out XO's experience with BellSouth's poor loop provisioning and maintenance practices. BellSouth's "% Provisioning Troubles Within 30 Days" metric (B.2.19/Provisioning-9) measures the frequency at which a CLEC experiences trouble on a loop within the first 30 days after order completion. For April 2001, BellSouth's PMAP data shows that XO experienced trouble within 30 days on nearly [redacted]% of UNE design loops (< 10 circuits) provisioned in Georgia that month (19 of 139).

33. By comparison, BellSouth had trouble on only **3.98%** of its retail design loops (< 10 circuits/dispatch) in Georgia during April. See Georgia April SQM. XO's repeat trouble rate was nearly [redacted]% greater than BellSouth's own retail service.

34. BellSouth's "Customer Trouble Report Rate" metric (B.3.2/Maintenance & Repair-2) measures initial and repeated customer direct or referred troubles within a calendar month per 100 lines/circuits in service. BellSouth's Monthly State Summary for Georgia for May 2001 demonstrates that BellSouth fell short of the benchmarks for 7 of 20 the sub metrics for this measure. BellSouth's PARIS report for XO Communications for March 2001 showed that BellSouth had fallen short of the benchmark for the Customer Trouble Report Rate for UNE loops [redacted] times resulting in a remedy payment to XO of nearly $[redacted] However, as noted above, XO does not have confidence that BellSouth's PMAP data is complete and accurate.

Checklist Item 8 (Access to Directory Listings)

BellSouth Does Not Provide Nondiscriminatory Access to Directory Listings

35. Problems with BellSouth's LENS system prevent XO customers from obtaining nondiscriminatory access to directly listings.

36. BellSouth does not permit CLECs, such as XO, to deal directly with BellSouth Advertising and Publishing Corporation ("BAPCO") with regard to directory listings. Instead, CLECs must use BellSouth Telecommunications as the conduit for placing orders with BAPCO. In contrast, BellSouth can place orders directly with BAPCO for its retail end users.

37. Further, the OSS system BellSouth utilizes for processing CLEC orders presents additional impediments to obtaining requirement information and causes delay in order flow. When a customer switches from one CLEC to XO, XO cannot process the directory listing changes via LENS until BellSouth has processed a "directory disconnect" order from the

previous CLEC. Further, the first CLEC also cannot access the customer's directory information via LENs until after such disconnect order has been processed. This results in delays in processing the customer's accurate current directory information.

38. The problem is exacerbated further by BellSouth's policies perpetuating the distinction between BellSouth's retail orders and CLEC orders. For example, BellSouth will not allow BAPCO representatives to call the Local Carrier Service Center directly to resolve CLEC listing discrepancies. By contrast, BAPCO is permitted to do this for BellSouth's own retail orders.

Number Portability (Checklist Item 11)

BellSouth Has Not Met Its Number Portability Obligations

39. BellSouth's self-reported data demonstrates that BellSouth has not complied with its local number portability obligations. The LNP-Average Disconnect Timeliness Interval measures the time BellSouth takes to disconnect its service after a customer has been ported to a CLEC. If a LNP disconnect does not happened in a timely manner, the customer will not be able to receive calls originating from BellSouth customers in the same central office serving area. When BellSouth does not handle a LNP disconnect properly, the CLEC customer generally regards this as a problem caused by the CLEC. Thus, the LNP disconnect problem can cause the CLEC's new customer to lose confidence in the CLEC.

40. The current benchmark for disconnect is fifteen minutes. The April LNP-Average Disconnect Timeliness data for XO Communications reported on BellSouth's PMAP website shows that BellSouth met the benchmark for this measure only [redacted]% of the time. BellSouth fell short of this important measure nearly [redacted]% of the time for the month of April. Of a total of [redacted] transactions, [redacted] were processed in a timely manner.

41. As previously stated, XO does not have confidence that BellSouth's PMAP data is accurate and complete. The April PARIS report for XO failed to include $[redacted] in remedy payments due XO for BellSouth's failure to meet the Commission adopted benchmark for this measure.

I hereby swear that the foregoing is true and correct to the best of my information and belief.

/s/
Kristen Hudson

Subscribed and sworn to before me
This _____ day of November, 2001.

_____
Notary Public

My commission expires: _____

Exhibit KH-1

LENS Outages (July - September 2001)

	Ticket ID	Source	Date	Reported	Verified	Restored	Duration
1	2000	BellSouth Website	07/02/01	1:18pm	1:38pm	1:38pm	20
2	2006	BellSouth Website	07/03/01	2:16pm	2:39pm	4:10pm	114
3	2011	BellSouth Website	07/05/01	8:45am	9:05am	10:08am	83
4	2026	BellSouth Website	07/10/01	12:32pm	12:52pm	2:55pm	143
5	2030	BellSouth Website	07/11/01	7:16am	7:36am	8:50am	94
6	2034	BellSouth Website	07/11/01	2:01pm	2:25pm	4:00pm	119
7	2038	BellSouth Website	07/11/01	11:36am	11:52am	3:21pm	225
8	2043	BellSouth Website	07/13/01	12:42pm	1:02pm	1:37pm	55
9	2046	BellSouth Website	07/13/01	4:55pm	5:15pm	5:26pm	31
10	2051	BellSouth Website	07/17/01	7:20am	8:55am	9:00am	100
11	2053	BellSouth Website	07/17/01	3:21pm	3:41pm	4:44pm	83
12	2056	BellSouth Website	07/18/01	9:48am	10:08am	N/A	
13	2059	BellSouth Website	07/18/01	5:05pm	5:25pm	5:42pm	37
14	2060	BellSouth Website	07/19/01	9:40pm	10:15am	11:20am	100
15	2063	BellSouth Website	07/19/01	12:40pm	1:00pm	3:30pm	170
16	2071	BellSouth Website	07/23/01	10:28am	10:48am	11:45am	73
17	2077	BellSouth Website	07/24/01	4:11pm	4:42pm	5:21pm	70
18	2087	BellSouth Website	07/26/01	8:23am	8:43am	8:45am	22
19	2093	BellSouth	07/26/01	5:45pm	6:05pm	6:08pm	28

		Website					
20	2109	BellSouth Website	08/02/01	7:47am	8:13am	11:10am	203
21	2122	BellSouth Website	08/06/01	7:37am	7:57am	N/A	
22	2125	BellSouth Website	08/06/01	10:45pm	11:10pm	11:14	39
23	2126	BellSouth Website	08/07/01	7:45am	8:05am	8:12am	32
24	2128	BellSouth Website	08/08/01	11:55am	12:15pm	12:29pm	49
25	2137	BellSouth Website	08/10/01	2:29pm	2:49pm	3:10pm	41
26	2141	BellSouth Website	08/14/01	9:41am	10:01am	11:13am	92
27	2143	BellSouth Website	08/14/01	5:25pm	5:45pm	6:38pm	73
28	2149	BellSouth Website	08/20/01	9:18am	9:38am	9:52am	34
29	2151	BellSouth Website	08/21/01	10:06am	10:26am	10:28am	22
30	2164	BellSouth Website	08/29/01	10:20am	10:30am	10:46am	26
31	2175	BellSouth Website	09/01/01	6:48am	8:15am	8:17am	89
32	2178	BellSouth Website	09/05/01	7:25am	8:19am	10:29am	184
33	2182	BellSouth Website	09/05/01	3:08pm	3:28pm	3:33pm	25
34	2186	BellSouth Website	09/07/01	1:19pm	1:39pm	4:04pm	165
35	2188	BellSouth Website	09/07/01	9:10pm	9:35pm	10:17pm	67
36	2189	BellSouth Website	09/10/01	9:01am	9:21am	9:55am	54
37	2193	BellSouth Website	09/12/01	10:32am	10:52am	11:21am	49
38	2195	BellSouth Website	09/13/01	3:45pm	4:29pm	4:56pm	71
39	2197	BellSouth Website	09/18/01	1:20pm	1:40pm	1:57pm	37
40	2198	BellSouth Website	09/18/01	2:08pm	2:28pm	N/A	

41	2200	BellSouth Website	9/19/01	11:20am	11:40am	12:57pm	97
42	2207	BellSouth Website	09/27/01	6:31am	6:51am	7:28am	57
43	2209	BellSouth Website	09/28/01	9:05am	9:25am	10:03am	58

EDI Outages (April-June 2001)

1	6148	Carrier Notification	06/18/01		11:41 am	No resolution time stated	
2	1938	Carrier Notification	06/12/01	4:35 pm		8:24 pm	229
3	1923	BellSouth Website	06/06/01	3:05 pm		06/09 – 12:15 pm	4150
4	1906	BellSouth Website	05/31/01	10:47 am		11:07 am	20
5	1898	BellSouth Website	05/29/01		3:15 pm	No resolution time stated - 5/31/01 at 3:30 still investigating	2895+
6	1889	Carrier Notification	05/22/01	12:38 pm		Not on BellSouth Website	
7	1891	BellSouth Website	05/22/01	2:50 pm		6:48 pm	238
8	1885	Carrier Notification	05/21/01	10:00 am		Not on BellSouth Website	
9	1883	Carrier Notification	05/21/01	7:00 am		Not on BellSouth Website	
10	1884	BellSouth Website	05/21/01	8:53 am		9:45 am	52
11	1879	Carrier Notification	05/20/01	3:22 pm		6:17 pm	175
12	1882	BellSouth Website	05/20/01	3:50 am		4:25 am	35
13	1875	Carrier Notification	05/18/01	7:34 pm		Not on BellSouth Website	
14	1866	BellSouth Website	05/16/01	3:05 pm		5:45 pm	160
15	1863	BellSouth Website	05/15/01	10:05 am		11:45 am	100
16	1861	BellSouth Website	05/14/01		3:27 pm	5:49 pm	142
17	1852	BellSouth Website	05/12/01	6:00 am		6:29 am	29

18		Carrier Notification	05/08/01	12:54 pm	1:14 pm	Not on BellSouth Website	
19	1838	BellSouth Website	05/08/01	8:20 am		8:36 am	16
20	1825	BellSouth Website	05/03/01	12:54 pm		1:23 pm	29
21	1820	Carrier Notification	05/02/01	10:34 am	10:54 am	Not on BellSouth Website	
22	5592	Carrier Notification	04/27/01	4:08 am	4:19 am	4:39 am	31
23	1804	Carrier Notification	04/26/01	4:23 pm	4:43 pm	Not on BellSouth Website	
24	1809	BellSouth Website	04/26/01	4:42 pm		5:23 pm	41
25	1802	Carrier Notification	04/25/01	11:13 am	11:33 am	Not on BellSouth Website	
26	5581	BellSouth Website	04/25/01	2:06 pm		5:40 pm	214
27	5572	BellSouth Website	04/24/01		2:30 pm	7:50 pm	320
28	1751	BellSouth Website	04/07/01	1:30 pm	2:05 pm	04/08 - 6:19 pm	1729